SB Civil Writ Petition No.107/2000

Suresh Chandra Sharma Vs The Director of Prosecution & anr

31.8.2007

Hon'ble Mr Justice Ashok Parihar

Mr VS Gurjar – for petitioner

Mr JK Agrawal, Addl GA – for respondents

BY THE COURT:

The matter relates to stepping-up and pay anomaly. The appeal filed by the petitioner has been dismissed by the Rajasthan Civil Services Appellate Tribunal, Jaipur vide order dated 26.4.1999 only on the ground of limitation, however, after having carefully gone through the material on record, the anomaly remained continuous and, admittedly, the person junior to the petitioner had been given higher pay scale. The Tribunal ought not to have dismissed the appeal only on the ground of limitation.

Accordingly, the writ petition is allowed. The impugned order dated 26.4.1999 passed by the Tribunal is set aside. The matter is remanded back to the Tribunal to decide the appeal filed by the petitioner afresh on merits. Since the parties are duly represented through counsel, the parties may now appear before the Tribunal on 24.9.2007 to take a date for further proceedings.

(Ashok Parihar) J.

bnsharma